



File 2161

Attorney Docket No.: E003 -1101US0

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Bankier, J., et al.

Group Art Unit: 2161

Serial No.: 10/029,638

Filed: December 19, 2001

Title: Highly Available Transaction Failure Detection and Recovery for Electronic Commerce Transactions

POWER OF ATTORNEY (REVOCATION OF PRIOR POWERS) AND CHANGE OF ADDRESS

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

I hereby revoke all previous powers of attorney given in the above-identified application.

I hereby appoint **BARRY N. YOUNG (Reg. No. 27,744)** and the practitioners associated with **CUSTOMER NUMBER 48789** as our attorneys or agents to prosecute the application identified above, and to transact all business with the United States Patent and Trademark Office connected therewith.

Please change the correspondence address for the above-identified application to the address associated with **CUSTOMER NUMBER 48789**.

Please direct all telephone calls to **Barry N. Young at (650) 326-2701**.

EMC Corporation states that it is assignee of the entire right, title and interest in the above-identified patent application by virtue of a chain of title from the inventors to assignee as shown below:

1. Assignment from the inventors to Rainfinity recorded at
Reel: 012755, Frame: 0206;
2. Assignment from Rainfinity to EMC Corporation, copy attached.

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee, EMC Corporation.

Signature: *Krishnendu Gupta*

Date: February 21, 2006

Printed Name: Krishnendu Gupta

Phone: (508) 293-6654

Title: Associate General Counsel, Intellectual Property

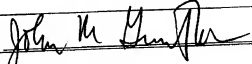
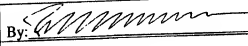
PATENT ASSIGNMENT AGREEMENT

THIS ASSIGNMENT AGREEMENT ("Agreement") dated as of August 22, 2005, by and between EMC Corporation ("EMC") and Rainfinity ("Rainfinity"), is entered into in connection with an Agreement and Plan of Merger between the aforesaid parties dated August 9, 2005.

In consideration of good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, EMC and Rainfinity hereby agree as follows:

Rainfinity hereby sells, conveys, transfers, assigns and delivers to EMC, all of Rainfinity's right, title and interest in and to all patents and patent applications of Rainfinity, all divisions, continuations, continuations-in-part, reissues, reexaminations, substitutes, and extensions thereof and all patents to be issued thereto (the "Transferred Property"), including without limitation those patents and patent applications listed on Annex A to this Agreement. Each of EMC and Rainfinity represents and warrants to the other that the execution, delivery and performance of this Agreement have duly authorized by all requisite corporate action of such party and that, upon such execution and delivery, this Agreement shall be binding and enforceable against such party.

Nothing in this Agreement, expressed or implied, is intended or shall be construed to confer upon, or to give to, any person, firm, corporation or other entity, other than EMC, Rainfinity and their respective successors and permitted assigns, any right or remedy under or by reason of this Agreement or any term, covenant or representation contained herein, and all of the terms, covenants, promises, representations and warranties and agreements contained in this Agreement shall be for the sole and exclusive benefit of EMC, Rainfinity and their respective successors and permitted assigns.

| EMC CORPORATION | RAINFINITY |
|---|---|
| By:  | By:  |
| Name: <u>John M. Gunther</u> | Name: <u>Paul T. Dacier</u> |
| Title: <u>Vice President and Assistant General Counsel</u> | Title: <u>President</u> |



ANNEX A
TO
PATENT ASSIGNMENT AGREEMENT
BETWEEN EMC AND RAINFINITY

| | U.S. Serial No./ U.S. Patent No. | Date Filed/ Date Issued |
|-----|----------------------------------|----------------------------|
| 1. | 60/128,872 | 04/12/1999 |
| 2. | 6,691,165 | 02/10/2004 |
| 3. | 6,801,949 | 10/05/2004 |
| 4. | 60/107,827 | 11/10/1998 |
| 5. | 09/437,637 | 11/10/1999 |
| 6. | 09/548,188 | 04/12/2000 |
| 7. | 60/266,134 | 02/1/2001 |
| 8. | 60/266,135 | 02/1/2001 |
| 9. | 60/326,789 | 10/2/2001 |
| 10. | 10/029,638 | 12/19/2001 |
| 11. | 60/285,902 | 4/23/2001 |
| 12. | 10/132,434 | 04/23/2002 |
| 13. | 60/303,649 | 07/6/2001 |
| 14. | 60/363,339 | 03/8/2002 |
| 15. | 10/188,626 | 07/01/2002 |
| 16. | 60/326,789 | 10/2/2001 |
| 17. | 10/180,639 | 06/24/2002 |
| 18. | 60/565,134 | 04/23/2004 |
| 19. | 11/112,751 | 04/22/2005 |
| 20. | 11/112,477 | 04/23/2005 |



PTO/SB/21 (09-04)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
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|---|----------------------|------------------------|--------------|
| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | Application Number | 10/029,638 | |
| | Filing Date | December 19, 2001 | |
| | First Named Inventor | J. Bankier et al. | |
| | Art Unit | 2155 | |
| | Examiner Name | | |
| Total Number of Pages in This Submission | 4 | Attorney Docket Number | E003-1101US0 |

| ENCLOSURES (Check all that apply) | | |
|---|---|--|
| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input checked="" type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD <input type="checkbox"/> Remarks | <input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Receipt Postcard |
| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | | |
| Firm Name | LAW OFFICES OF BARRY N. YOUNG (Customer No. 48789) | |
| Signature | <i>Barry N. Young</i> | |
| Printed name | BARRY N. YOUNG | |
| Date | February 23, 2006 | Reg. No. 27,744 |

| CERTIFICATE OF TRANSMISSION/MAILING | | |
|---|-----------------------|-------------------|
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below: | | |
| Signature | <i>Barry N. Young</i> | Date |
| Typed or printed name | BARRY N. YOUNG | DATE |
| | | FEBRUARY 23, 2006 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.